

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MATHIEU LACROSSE,

Plaintiff,

Civ. No. 6:18-cv-01181-MK
ORDER

v.

PAIGE CLARKSON, in her official and
individual capacities as District Attorney of
Marion County, MARION COUNTY
DISTRICT ATTORNEY'S OFFICE,

Defendants.

MCSHANE, Judge:

Magistrate Judge Mustafa T. Kasubhai filed a Findings and Recommendation (ECF No. 32), and the matter is now before me. *See* 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Plaintiff filed objections to the Findings and Recommendation. Accordingly, I have reviewed the file of this case *de novo*. *See* 28 U.S.C. § 636(b)(1)(c); *McDonnell Douglas Corp. v. Commodore*

Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). I find no error and conclude the report is correct.

Plaintiff requests leave to file an amended complaint bringing claims against Paige Clarkson in her individual capacity. Plaintiff states that due to a scrivener's error, he omitted naming Clarkson in her individual capacity. Leave to amend is DENIED. Even assuming this was a scrivener's error, leave to amend would be futile. Clarkson's actions here are covered by prosecutorial immunity. As such, Clarkson is immune from any of Lacrosse's claims for damages under § 1983. *Heidt v. City of McMinnville*, 2016 WL 7007501 at *14 (D. Or.) (citing *Govel v. Maricopa Cty.*, 867 F.2d 1201, 1203 n.6 (9th Cir. 1989) (abrogated on other grounds by *City of Canton, Ohio v. Harris*, 489 U.S. 378 (1989))). And to the extent Lacrosse seeks injunctive or declaratory relief from Clarkson, his claims, as demonstrated in the Findings and Recommendations, fail to state a claim for relief.

Magistrate Judge Kasubhai's Findings and Recommendation (ECF No. 32) is adopted in full. Defendants' Motion to Dismiss (ECF No. 27) is GRANTED and this action is DISMISSED, with prejudice.

IT IS SO ORDERED.

DATED this 20th day of July, 2019.

/s/ Michael J. McShane
Michael McShane
United States District Judge